

EXHIBIT 36

US District Court - Delaware
Chapter 11 - W.R. Grace

FINAL - November 8, 2007
Victor Roggli, M.D.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

CHAPTER 11

IN RE:

W.R. GRACE & CO., ET AL.,

Debtors.

Case No. 01-1139 (JFK)

Jointly Administered

DEPOSITION OF

Victor L. Roggli, M.D.

November 8, 2007

Durham, North Carolina

Lead: Barbara Harding, Esquire

Firm: Kirkland & Ellis, LLP

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1 **Q. And it's still your opinion today, as I read the,**
2 **"Chest," article, that mesothelioma is a dose-dependent**
3 **disease; correct?**

4 A. I believe it follows a dose-response relationship.
5 Yes.

6 **Q. Okay. And you've previously testified that there is**
7 **a threshold of asbestos fiber burden that must be exceeded to**
8 **attribute a mesothelioma to asbestos exposure, and that is**
9 **still your opinion today; correct?**

10 A. I don't know that I've ever said that. I typically
11 say that there's no level or threshold yet been identified
12 below which mesothelioma will not occur in humans.

13 **Q. Well, actually, I think -- I think this was a**
14 **question that went to the asbestos fiber burden. In fact,**
15 **you've previously testified under oath, "There is" -- quote,**
16 **"There is a threshold of asbestos fiber burden that must be**
17 **exceeded to attribute a mesothelioma to asbestos exposure," and**
18 **that was from Hermes v. Owens Corning Fiberglass.**

19 A. Yes.

20 **Q. Do you still agree with that?**

21 A. In terms of what we find in the lung, in order for
22 me to attribute a mesothelioma case to asbestos, the level
23 needs to be above what the background range of values happen to
24 be.

25 **Q. Okay. What evidence, epidemiological or otherwise,**

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1 **Q. Have you -- have you attempted to calculate or -- or**
2 **do an analysis to determine whether or not the -- the**
3 **difference in rates in women are statistically different or**
4 **not?**

5 A. I have not done an independent calculation of that
6 particular curve. And because mesothelioma is a rare disease,
7 and because it's less common in women than in men, and because
8 low-dose exposures are the Achilles' heel of epidemiological
9 studies, I wouldn't be surprised if that curve is not
10 statistically significant different from a flat curve.

11 But I think it is -- it is deceiving to say that
12 that means that there has been no effect on mesothelioma rates
13 in -- in women, because that -- the changes that are present
14 there are not statistically significant. I don't think that --
15 I think that's a deceptive way to look at the data.

16 **Q. Have you examined -- there's data on the occurrence**
17 **and incidence, prevalence of mesothelioma in other geographic**
18 **locations; correct?**

19 A. Yes.

20 **Q. Okay. There's data on mesothelioma in women and men**
21 **in other locations; correct?**

22 A. Yes.

23 **Q. Okay. Have you examined other data sources for an**
24 **understanding of the background rate of mesothelioma?**

25 A. I think -- I think we discussed that, as I recall,